

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAN-HUEI WANG,

Plaintiff,

- against -

LEROY WILLIAMS,

Defendants.

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SHIRA A. SCHEINDLIN, U.S.D.J.:

On March 17, 2009, this Court dismissed the above-captioned case due to plaintiff San-Huei Wang's failure to file proof of service as required by Federal Rule of Civil Procedure 4(m).<sup>1</sup> On May 1, 2009, Wang moved for reconsideration.

A motion for reconsideration is governed by Local Rule 6.3 and is appropriate where “the moving party can point to controlling decisions or data that the court overlooked – matters, in other words, that might reasonably be

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<sup>1</sup> See Order, Docket No. 8, *Wang v. Williams*, No. 06 Civ. 6471 (S.D.N.Y. Mar. 17, 2009).

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MEMORANDUM  
OPINION AND  
ORDER

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06 Civ. 6471 (SAS)

expected to alter the conclusion reached by the court.”<sup>2</sup> “A motion for reconsideration may also be granted to ‘correct a clear error or prevent manifest injustice.’”<sup>3</sup> “[I]n the case of a court order resulting in a judgment,” a motion for reconsideration must be submitted “within ten (10) days after the entry of the judgment.”<sup>4</sup>

Wang’s motion for reconsideration must be denied as untimely. A court should not be overly lenient in accepting tardy motions for reconsideration in order to “ensure the finality of decisions.”<sup>5</sup> In the alternative, Wang provides no reason in his submission as to why this Court should reconsider its prior order. The Court gave Wang multiple extensions to serve the defendant. Although nearly a year has passed since the commencement of this action, the defendant has not been served. While I understand that Wang has made some efforts to complete

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<sup>2</sup> *In re BDC 56 LLC*, 330 F.3d 111, 123 (2d Cir. 2003) (quotation omitted).

<sup>3</sup> *In re Terrorist Attacks on September 11, 2001*, No. 03 MDL 1570, 2006 WL 708149, at \*1 (S.D.N.Y. Mar. 20, 2006) (quoting *Doe v. New York City Dep’t of Soc. Servs.*, 709 F.2d 782, 789 (2d Cir. 1983)).

<sup>4</sup> S.D.N.Y. Local R. 6.3.

<sup>5</sup> *Naiman v. New York Univ. Hosps. Ctr.*, No. 95 Civ. 6469, 2005 WL 926904, at \*1 (S.D.N.Y. Apr. 1, 2005) (quoting *Carolco Pictures, Inc. v. Sirota*, 700 F. Supp. 169, 170 (S.D.N.Y. 1988)).

service,<sup>6</sup> but an action cannot be allowed to idle indefinitely.

Wang's motion for reconsideration is denied. The Clerk of the Court is directed to close this motion.

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
May 5, 2009

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<sup>6</sup> See 5/1/09 Wang Affirmation in Support of Motion.

**- Appearances -**

**For Plaintiff (pro se):**

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